

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

680J0684

## SENATE BILL NO. 135

Introduced by: Senators McCracken, Abdallah, and Sutton (Dan) and Representatives  
Novstrup, Garnos, Konold, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to provide for reasonable compensation by manufacturers  
2 of outdoor power equipment for warranty work done by a retailer that sells outdoor power  
3 equipment.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

- 6 (1) "Retailer of outdoor power equipment," a business that purchases outdoor power  
7 equipment for resale including: snow blowers, lawn mowers, chain saws and other  
8 motorized, electric or battery operated machines or equipment from a manufacturer;
- 9 (2) "Manufacturer," a person who manufactures or assembles outdoor power equipment  
10 and sells outdoor power equipment directly or through a distributor to a retailer of  
11 outdoor power equipment and provides a warranty;
- 12 (3) "Warranty," a commitment by a manufacturer to provide parts and labor for the  
13 outdoor power equipment they manufacture that is defective or needs adjustment or  
14 repair.

15 Section 2. Any manufacturer of outdoor power equipment that authorizes the retailer selling



1 such equipment to perform the warranty work shall include reasonable compensation for  
2 diagnostic work, as well as repair service, parts, and labor to the retailer. Time allowances for  
3 diagnostic and performance of warranty work and service shall be adequate for the work to be  
4 performed. The hourly labor rate paid to the dealer for warranty services may not be less than  
5 the rate charged by the dealer for like service to nonwarranty customers for nonwarranty service.  
6 Reimbursement for parts used in the performance of warranty repair may not be less than the  
7 amount paid by the dealer to acquire the parts plus a reasonable allowance for handling, which  
8 may not be less than thirty percent.